

OFFICE OF THE DIRECTOR

DEPARTMENT OF MOTOR VEHICLES

P.O. BOX 932328

SACRAMENTO, CA 94232-3280

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to amend Section 110.04 in Chapter 1, Division 1 of Title 13, California Code of Regulations.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., **March 24, 2008**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by sections 1651 of the Vehicle Code in order to implement, interpret or make specific sections 1652 and 12800, 12803, 12804.2, 12804.6, and 12804.9 of the Vehicle Code relating to an applicant's physical and mental fitness to operate a motor vehicle.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Motor Vehicles (department) proposes to amend section 110.04 of Article 2.4, Title 13, California Code of Regulations, relating to Disciplinary Guidelines (guidelines).

Government Code section 11425.50(e) prohibits a state agency from imposing a penalty based on a disciplinary guideline unless the guideline has been adopted as a regulation in accordance with the Administrative Procedure Act. The department has adopted the disciplinary guidelines for actions against the driving privilege in Title 13, Article 2.4, California Code of Regulations.

Health and Safety Code section 103900 requires every physician and surgeon to report to the department, the name, age, and address of every person reported to it as a case of a disorder characterized by lapses of consciousness. The department is also required to consult with medical personnel to develop guidelines to enhance the monitoring of patients affected with such disorders and to assist in their compliance with restrictions imposed by the department on a patients license to operate a motor vehicle.

The amendments will update the guidelines for actions against the driving privilege based on physical and mental conditions as it relates to an applicant's vision. Certain vision conditions may impair a driver's ability to safely operate a motor vehicle. As each condition impacts a driver's ability in a different way, the department has developed vision condition charts describing the condition and actions to be taken by the department in response to each condition. These vision guidelines are being revised to make the charts more comprehensive to the affected individuals and streamlined for the department.

By capturing a greater amount of information relating to an applicant's vision condition, the department is able to provide better service to California drivers while promoting driver and public safety.

Amendments made to the vision guidelines include a revised Report of Vision Examination, Form DL 62 and revised vision condition charts.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference in Section 110.04. These documents are not published in the California Code of Regulations because it would be impractical and cumbersome to publish these documents in the California Code of Regulations.

- Guidelines for Actions Against the Driving Privilege Based on the Negligent Operator Treatment System (Rev. 2/2001)
- Guidelines for Actions Against the commercial Driving Privilege (Rev. 2/99)
- Guidelines for Actions Against Driver License Certificates and Endorsements (Rev. 2/99)
- Guidelines for Actions Against the Driving Privilege Based on Physical and Mental Conditions (Rev. 12/2007)
- Guidelines for Actions Against the Driving Privilege Based on Financial Responsibility (Rev. 1/03)
- Guidelines for Actions Against the Driving Privilege Based on Fraud (Rev. 2/99)

These documents are reasonably available to the affected public from a commonly known or specified source. They can be obtained upon request directly from the department and are available on the department's website at www.dmv.ca.gov.

FISCAL IMPACT STATEMENT

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.

- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. The proposed regulations only address vision standards for driver license applicants.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to Erik Meyer, at (916) 657-8954 or emeyer@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.